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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,796	05/30/2001	Kanada Nakayasu	037267-0138	5691
22428	7590	11/24/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			NG, CHRISTINE Y	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,796

Applicant(s)

NAKAYASU, KANADA

Examiner

Christine Ng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-14 are objected to because of the following informalities:

In claims 1-14, all occurrences of "CDMA-type" should be changed to "CDMA".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 5-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,718,173 to Somani et al.

Referring to claims 1 and 8, Somani et al disclose in Figures 1 and 2 a system for monitoring a mobile terminal device (MS 16), comprising :

(a) A base station system (BS 14, BSC 18, MSC 20, VLR 28) connected to said mobile terminal device (MS 16) through radio signals (radio channels). Refer to Column 1, lines 26-52 and lines 64-67.

(b) A network (wired network 22) connected to said base station system (BS 14, BSC 18, MSC 20, VLR 28) through wires. Refer to Column 1, lines 40-42.

(c) A monitoring device (HLR 26) which is connected to said network (wired network 22) and which monitors said mobile terminal device (MS 16), said monitoring device (HLR 26) receiving an access from said mobile terminal device (MS 16) through both said base station system (BS 14, BSC 18, MSC 20, VLR 28) and said network (wired network 22). Refer to Column 1, lines 58-67 and Column 2, lines 1-22.

Referring to claims 2 and 9, Somani et al disclose in Figures 1, 2 and 4 that when said base station system (BS 14, BSC 18, MSC 20, VLR 28) receives a first request to connect thereto from said mobile terminal device (MS 16), said base station system (BS 14, BSC 18, MSC 20, VLR 28) check whether mobile terminal device (MS 16) is registered in said base station system (BS 14, BSC 18, MSC 20, VLR 28). As shown in Figure 4, MSC 20a receives a request from MS 16b to answer the call from MS 16a. MSC 20a queries VLR 28a to determine if MS 16b is registered and located within associated first location area 24a. Refer to Column 2, lines 26-38.

Referring to claims 3 and 10, Somani et al disclose in Figures 1, 2 and 4 that when said network (wired network 22) receives a second request (Figure 4, query 42) to connect thereto from said base station system (BS 14, BSC 18, MSC 20, VLR 28), said network (wired network 22) checks whether said mobile terminal device (MS 16) transmitting said first request is registered in said network (wired network 22). As shown in Figure 4, if MS 16b is not located in first location area 24a, MSC 20a sends a query 42 to HLR 26 through wired network 22 for MS 16b's location information. Refer to Column 2, lines 38-55.

Referring to claims 5 and 12, Somani et al disclose in Figures 1, 2 and 4 that the mobile terminal device (MS 16) transmits a non-ordinary call to said base station system (BS 14, BSC 18, MSC 20, VLR 28) as said first request. Refer to Column 2, lines 26-38.

Referring to claim 6, Somani et al disclose in Figure 8 a system for monitoring a mobile terminal device (MS 16), comprising:

- (a) A base station system (BS 214, BSC 218, MSC 220, VLR 228).
- (b) A core network (wired network 222) connected to said base station system (BS 214, BSC 218, MSC 220, VLR 228) through wires.
- (c) A server (global database server 102) which monitors said base station system (BS 214, BSC 218, MSC 220, VLR 228) connected to said core network (wired network 222) through wires.
- (d) A monitoring device (HLR 226) connected to said server (global database server) through wires, said monitoring device (HLR 226) monitoring and controlling said base station system (BS 214, BSC 218, MSC 220, VLR 228) through both said server (global database server 102) and said core network (wired network 222).
- (e) A mobile terminal device (Figure 2, MS 16) connected to said base station system (BS 214, BSC 218, MSC 220, VLR 228) through radio signals (radio channels). Refer to the rejection of claims 1 and 8. Refer to Column 1, line 26 to Column 2, line 22; Column 7, lines 29-40 and Column 15, lines 26-48.

Referring to claim 7, Somani et al disclose in Figures 2 and 8 that the system further comprises a terminal connected to said mobile terminal device (MS 16) for

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controlling an operation of said monitoring device (HLR 226). The HLR 226 stores and updates the position of the mobile terminal device (MS 16), which may be a cellular telephone. Refer to Column 1, lines 11-15 and Column 2, lines 1-22.

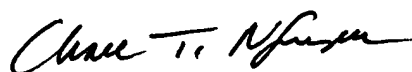
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng ω
November 18, 2004



CHAU NGUYEN
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